

EXHIBIT F

CAUSE NO. 2021-11779

JOHN DALISAY

Plaintiff,

v.

UNITED, INC., HOUSTON AND
JOHN DOE

Defendants.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

164th JUDICIAL DISTRICT COURT**DEFENDANT UNITED AIRLINES, INC'S ORIGINAL ANSWER AND JURY DEMAND**

Pursuant to the Texas Rules of Civil Procedure, Defendant United Airlines, Inc. ("United") files this Original Answer and Jury Demand:

I. FAILURE TO STATE A CLAIM

1. Plaintiff claims an injury during international air travel originating in Manilla, Philippines. This case and Plaintiff's claims, if any, are governed by the Convention for the Unification of Certain Rules for International Carriage by Air signed at Montreal on May 28, 1999 (informally known as the "Montreal Convention of 1999"). *See* Convention for the Unification of Certain Rules for International Carriage by Air, opened for signature May 28, 1999, S. Treaty Doc. No. 106-45, 2242 U.N.T.S. 309. In addition to claims under the Montreal Convention of 1999, Plaintiff has asserted state common law causes of action which are preempted by the Montreal Convention of 1999. Plaintiff's state law claims of negligence constitute failure to state a claim upon which relief may be granted and should be dismissed.

II. GENERAL DENIAL

2. Pursuant to Texas Rule of Civil Procedure 92, United asserts a general denial and denies each and every allegation and cause of action contained in the Plaintiff's Original Petition.

III. AFFIRMATIVE DEFENSES

3. United asserts the following affirmative defenses, alleged in the alternative, to the extent necessary, and without waiving any other claim or defense.

4. Plaintiff's alleged injuries and damages were caused or contributed to by Plaintiff's own acts, omissions, and negligence. The Court should submit the issue of the Plaintiff's contributory and/or comparative negligence to the jury at the time of trial.

5. Plaintiff's alleged injuries and damages were caused or contributed to by a third party over whom United had no supervision or control.

6. Plaintiff's alleged injuries and damages were caused by an intervening or superseding cause for which United is not responsible.

7. Plaintiff's claims are barred, in whole or in part, because United's acts and/or omissions were not the proximate cause of any injury or harm alleged by Plaintiff.

8. Plaintiff failed, in whole or in part, to mitigate his damages, if any. United is not responsible for damages, if any, resulting from the failure of the Plaintiff to act with ordinary prudence to eliminate or reduce the effects of Plaintiff's claimed damages.

9. Plaintiff possessed pre-existing conditions and all of his claimed damages did not proximately result from the events complained of in the Petition.

10. Plaintiff's claim for the recovery of medical or health care expenses, if any, is limited to the amount actually paid or incurred by or on his behalf. Tex. Civ. Prac. & Rem. Code § 41.0105.

IV. RULE 193.7 NOTICE

11. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, United provides notice of its intent to use all documents produced by the plaintiff at any hearings, pretrial proceedings and the trial of this case.

V. JURY DEMAND

12. United demands a trial by jury.

VI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant United Airlines, Inc. respectfully requests this Court find that Plaintiff takes nothing by reason of this lawsuit, enter a judgment in favor of United, and grant United all other relief to which it may be justly entitled at law or in equity.

Respectfully Submitted,
STILWELL LAW FIRM, PLLC.

By: /s/ Tom Stilwell

Richard T. Stilwell
Texas Bar No. 00791737
Amanda R. Pierson
Texas Bar No. 24089258
3131 Eastside Street, Suite 444
Houston, Texas 77098
Telephone: (713) 931-1111
Facsimile: (713) 931-1211

Attorneys for Defendant United Airlines, Inc.

CERTIFICATE OF SERVICE

I certify that on the 25th day of March 2021, a true and exact copy of the foregoing document was served using the Court's electronic filing system, which will send a copy to all counsel of record.

By: /s/ Tom Stilwell

Tom Stilwell